

Definition. For "the Thames, see s 2(1) ante.

92. Abatement of nuisances

For the purpose of maintaining and improving the Thames as a navigable waterway, or of improving the flow of water therein, the Port Authority may abate or remove annoyances and nuisances in the Thames or on its banks.

93. Flood prevention

Notwithstanding the repeal by this Act of section 26 (Saving provisions for certain Acts) of the London and India Docks Company (New Works) Act, 1901, and of section 39 (For protection of London County Council) of the Port of London Act, 1917, the works executed by the Port Authority under the powers conferred by those Acts shall continue to be subject to the provisions of section 17 (Provision as to certain dock companies) of the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879.

Notes

London and India Docks Company (New Works) Act 1901. 1 Edw. 7 c ccxxvii. That Act was repealed with savings by the Port of London (Consolidation) Act 1920, ss 3, 4, Sch 3, Pt IV, Sch 4. The 1920 Act is repealed with savings by ss 208, 209, Schs 9, 10 post.

Port of London Act 1917. 7 & 8 Geo 5 c xlv. That Act was repealed with savings by the Port of London (Consolidation) Act 1920, ss 3, 4 Sch 3, Pt VII, Sch 4. The 1920 Act is repealed with savings by ss 208, 209, Schs 9, 10 post.

PART VI Prevention of Pollution

94-107 Repealed by the Water Authorities etc (Miscellaneous Provisions) Order 1974, SI 1974/607, art 12(1).

PART VII Vessels And Navigation

Note. This Part of this Act does not apply to vessels belonging to or employed in the service of Her Majesty, or to their moorings; see s 186(3) post. The provisions of this Part relating to general and special directions (see ss 111 and 112 post, respectively) do not apply to certain areas; see s 187 and Sch. 8, para 2 post.

(a) *Regulation of vessels in the Thames and the docks*

108. General rules for navigation

A master who navigates his vessel on the Thames-

(a) without due care and attention; or

(b) in a manner liable to injure or endanger persons, other vessels, the banks of the Thames (whether above or below mean high water level) or any structure or installation in or beside the Thames;

shall be guilty of an offence and liable to a fine not exceeding [the statutory maximum and on conviction on indictment to a fine].

Notes

*The words in square brackets were substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 4.
The statutory maximum is currently £5,000.*

Definitions. For "master", "mean high water level", "the statutory maximum", "the Thames" and "vessel", see s 2(1) ante.

109. Vessels adrift

- (1) The owner or master of a vessel adrift in the Thames or in the docks shall be guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].
 - (2) It shall be a defence to the owner or master of a vessel charged with an offence under subsection (1) of this section to prove that the vessel did not become adrift as the result of any neglect or default on his part.
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Notes

The reference to level 3 on the standard scale in sub-s (1) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £200 by the Port of London Act 1982 s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000

Standard scale. See the note to s 38 ante.

Definitions. For "docks", "master", "owner", "the Thames", and "vessel", see s 2(1) ante.

110. Overcrowding of vessels

- (1) Subject to subsection (2) of this section the master of a vessel shall not carry in that vessel in the Thames a number of persons greater than it is licensed by the Port Authority as fit to carry, or, if it is not so licensed, than it is reasonably fit to carry.
 - (2) This section shall not apply to the master of a vessel for which there is in force a certificate issued under section 274 of the Merchant Shipping Act, 1894.
 - (3) A master who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding [level 5 on the standard scale].
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Notes

Sub-s (3) was substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 5, and the reference in that subsection to level 5 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 5 is now £5,000

General Note. If there have been two or more convictions for an offence against this section in respect of a boat, the Port of London Authority may (subject to s 129 post) refuse to register it or revoke its registration; see 128 (2) post.

Standard scale. See the note to s 38 ante.

Definitions. For "master of a vessel", "the Thames" and "vessel", see s 2(1) ante.

Merchant Shipping Act 1894, s 274. Repealed by the Merchant Shipping (Survey and Certification) Regulations 1995, SI 1995/1210, reg 1(4) and replaced by provisions of the 1995 Regulations, as amended (having effect under the Merchant Shipping Act 1995 ss 85, 86.)

111. General directions to vessels in the Thames

- (1) The Port Authority may, subject in each case to the agreement of the Pilotage Authority and the Chamber of Shipping of the United Kingdom, give directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation in the Thames, and, without prejudice to the

generality of the foregoing, for any of the following purposes :-

- (a) for designating areas, routes or channels in the Thames which vessels are to use or refrain from using for movement or mooring;
- (b) for securing that vessels move only at certain times or during certain periods;
- (c) for prohibiting-
 - (i) entry into or movement in the Thames by vessels at times of poor visibility due to the weather or to the presence of dust or smoke; and
 - (ii) entry into the Thames by a vessel which for any reason would be, or be likely to become, a danger to other vessels in the Thames;
- [(cc) for requiring vessels which fall outside the scope of any formal risk assessment in respect of safety of navigation carried out by the Port Authority and currently valid, to submit to a specific risk assessment before entering the Thames or any specified part of the Thames;]
- (d) requiring the master of a vessel to give to a harbour-master information relating to the vessel reasonably required by the harbourmaster in order to effect the objects of this subsection.

(2) Directions given under subsection (1) of this section may apply-

- (a) to all vessels or to a class of vessels designated, or the designation of which is provided for, in the direction;
- (b) to the whole of the Thames or to a part designated, or the designation of which is provided for, in the direction; and
- (c) at all times or at times designated, or the designation of which is provided for, in the direction;

and every direction made under this section shall specify the extent of its application in relation to the matters referred to in paragraphs (a), (b) and (c) of this subsection.

(3) The Port Authority may revoke directions given under this section, or, with the agreement of the Pilotage Authority and the Chamber of Shipping of the United Kingdom, amend them.

Notes

The words in square brackets were added by the Port of London Authority Harbour Revision Order 2003 article 3 which came into force on 8 October 2003.

Pilotage Authority. *For provisions as to the abolition of pilotage authorities, see the Pilotage Act 1987, Pt III.*

Exemptions. *See the Introductory Note to this Part of this Act.*

Further provisions. *See further ss 114 (publication), 116 (master's responsibility unaffected) and 117 (failure to comply) post.*

Definitions. *For "harbourmaster", "master of vessel", "mooring", "the Thames" and "vessel", see s 2(1) ante.*

112. Special directions to vessels in the Thames

(1) A direction under this section may be given-

- (a) by a harbourmaster to a vessel anywhere in the Thames; and
- (b) by a dockmaster to a vessel in a part of the Thames adjacent to a dock and designated by the Port Authority as an area in which the power to give directions under this section shall be exercisable by a dockmaster.

(2) A direction under this section may be given for any of the following purposes :-

- (a) requiring a vessel to comply with a requirement made in or under a general direction;
- (b) regulating or requiring the movement, mooring or unmooring of a vessel;
- (c) regulating the manner in which a vessel takes in or discharges cargo, fuel, water or ship's stores.

Notes

Exemptions. See the Introductory Note to this Part of this Act.

Further provisions. See further ss 114 (publication), 115 (manner of giving special direction), 116 (master's responsibility unaffected), 117 (failure to comply), 118 (enforcement) post.

Definitions. For "dock", "dockmaster", "general direction", "harbourmaster", "mooring", "the Thames" and "vessel", see s 2(1) ante.

113. Directions to vessels at the docks

(1) The Port Authority may give directions applicable to all vessels, or to a specified class of vessels, at the docks, for the purpose of ensuring the safety of vessels at the docks, preventing injury to persons at, or to property at, or forming part of, the docks or of securing the efficient conduct of the business carried on at the docks, and, without prejudice to the generality of the foregoing, such directions may relate to-

- (a) the movement, berthing or mooring of a vessel;
- (b) the dispatch of its business at the dock;
- (c) the disposition or use of its appurtenances or equipment;
- (d) the use of its motive power;
- (e) the embarking or landing of passengers;
- (f) the loading or discharging of cargo, fuel, water or ship's stores;
- (g) the use of ballast.

(2) A dock manager or dockmaster may give a direction requiring the removal from a dock of a vessel if

- (a) it is on fire;
- (b) it is in a condition where it is liable to become immobilised or waterlogged, or to sink;
- (c) it is making an unlawful or improper use of the dock;
- (d) it is interfering with the use of the dock by other vessels, or is otherwise interfering with the proper use of the dock or the dispatch of business therein;
- (e) the removal is necessary to enable maintenance or repair work to be carried out to the dock or to an adjacent part of the port premises.

(3) A dock manager or dockmaster may give a direction to a vessel at the docks for the following purposes-

- (a) any of the purposes referred to in subsection (1) of this section ;
- (b) requiring the vessel to comply with a general direction made under this section.

(4) In this section reference to a vessel at a dock includes reference to a vessel entering or about to enter a

dock and to a vessel leaving or having just left a dock.

Notes

Definitions. For "dock", "docks", "dock manager", "dockmaster", "general direction", "mooring" and "vessel", see s 2(1) ante. Note as to "vessel at a dock", sub-s (4) above.

114. Publication of designations and general directions

(1) Notice of the designation of an area of the Thames under subsection (1) of section 112 (Special directions to vessels in the Thames) of this Act or of the revocation of such a designation, and, except in an emergency, notice of a general direction and of the amendment or revocation of a general direction, shall, so soon as practicable after it is made, be published by the Port Authority once in Lloyds List and Shipping Gazette newspaper or some other newspaper specialising in shipping news, and, if the notice relates to the making of a designation or the making or amendment of a general direction, it shall state a place at which copies of the designation or direction may be inspected and bought and the price thereof.

(2) In an emergency notice of a general direction or of the amendment or revocation of a general direction may be given in any manner the harbourmaster, dock manager or dockmaster considers appropriate.

Notes

General direction. See, generally, as to the giving of such a direction, s 111 ante.

Definitions. For "dock manager", "dockmaster", "general direction" and "harbourmaster", see s 2(1) ante.

115. Manner of giving special directions

A special direction may be given in any manner considered appropriate by the person giving it.

Notes

Special direction. See, generally, as to the giving of such a direction, s 112 ante.

Person giving it. See, as to who may give a special direction, s 112(1) ante.

116. Master's responsibility to be unaffected

The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to his vessel, persons on board, its cargo or any other person or property.

Notes

General direction. See, generally, as to the giving of such a direction, s 111 ante.

Special direction. See, generally, as to the giving of such a direction, s 112 ante.

Definitions. For "master of a vessel" and "vessel", see s 2(1) ante.

117. Failure to comply with directions

(1) The master of a vessel who fails to comply with a general or special direction shall be guilty of an offence and liable to a fine not exceeding [level 5 on the standard scale].

(2) It shall be a defence to the master of a vessel charged with an offence under subsection (1) of this section

to prove that he had reasonable ground for supposing that compliance with the direction in question would be likely to imperil his vessel or that in the circumstances compliance was impracticable.

Notes

The reference to level 5 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £1,000 by the Port of London Act 1982 s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 5 is now £5,000

General ... direction. *See, generally, as to the making of such a direction, s 111 ante.*

Special direction. *See, generally, as to the making of such a direction, s 112 ante.*

Standard scale. *See the note to s 38 ante.*

Definitions. *For "master of a vessel" and "vessel", see s 2(1) ante.*

118. Enforcement of directions

(1) Without prejudice to any other remedy available to the Port Authority, if a special direction is not complied with within a reasonable time, the harbourmaster, dock manager or dockmaster may, where practicable, put persons aboard the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board a vessel to attend to a special direction, the harbourmaster, dock manager or dockmaster may proceed as if the direction had been given and not complied with:

Provided that the powers of this subsection shall not be exercised-

(a) in relation to a vessel other than a lighter, unless, after reasonable inquiry has been made, the master cannot be found; or

(b) in relation to a lighter unless it is obstructing the access to or exit from a dock or otherwise interfering with navigation.

(3) Expenses incurred by the Port Authority in the exercise of the powers conferred by subsection (1) of this section shall be recoverable by the Port Authority as if they were a charge of the Port Authority in respect of the vessel.

Notes

Special direction. *See, generally, as to the making of such a direction, s 112 ante.*

Recoverable ... as if they were a charge. *See ss 22, 23, 35, 36, 38 and 39 ante.*

Definitions. *For "dock" (defined with "docks"), "dock manager", "dockmaster", "harbourmaster", "lighter" and "vessel", see s 2(1) ante.*

119 Regulation of crowds

(1) The Commissioner of the Metropolitan Police may with a view to maintaining order and securing the safety of the public give such orders as he thinks expedient for the purpose of regulating the passage of vessels on such part of the Thames as lies within his jurisdiction on any occasion when large crowds may assemble thereon.

[(2) If the master of a vessel disobeys a constable engaged in keeping order on such an occasion he shall be guilty of an offence and liable on conviction to a fine not exceeding [level 2 on the standard scale].]

(3)(a) Any superintendent, inspector or sergeant of a police force may enter a vessel the master of which

refuses to comply with any orders given in pursuance of this section for the purpose of taking such measures as may be necessary for carrying into effect the objects of this section or any orders given under this section.

- (b) A person obstructing the entry on his vessel of any superintendent, inspector or sergeant in pursuance of this subsection or impeding his efforts to carry this section into effect shall be guilty of an offence and liable to a fine not exceeding [level 2 on the standard scale].

Notes

Sub-s (2) was substituted by the Port of London Act 1982, s 3(2), Sch 1, Pt II, para 6, and the reference in that subsection to level 2 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 2 is now £500

The reference to level 2 on the standard scale in sub-s (3)(b) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £50 by the Port of London Act 1982 s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 2 is now £500

Constable. *This means any person holding the office of constable, not a member of a police force holding the rank of constable. As to the attestation of constables, see the Police Act 1996, s 29, Sch 4, and as to their jurisdiction, see s 30 of that Act.*

Standard scale. *See the note to s 38 ante.*

Police force. *For meaning, see the Police Act 1996 s 101(1), as applied by the Interpretation Act 1978, s 5, Sch 1 and amended by the Police Reform and Social Responsibility Act 2011.*

Definitions. *For "master of a vessel", "the Thames" and "vessel", see s 2(1) ante.*

(b) Obstructions and similar hazards to navigation

120. Power to raise and remove vessels sunk, etc.

- (1) If, in the opinion of the harbourmaster or dockmaster, a vessel sunk, stranded or abandoned in the Thames or the docks is, or is likely to become, an obstruction, impediment or danger to the safe and convenient navigation or use of the Thames or the docks, or part thereof, the Port Authority shall cause the vessel to be raised, removed, blown up or otherwise destroyed.

[Section 120(1) shall be treated (if, apart from the provision made by this paragraph, it would not have been treated) as if-

- (a) as regard the opinion of the harbourmaster there mentioned the reference were only to a vessel sunk, stranded or abandoned in the Thames which is, or is likely to become, an obstruction, impediment or danger to the safe and convenient navigation or use of the Thames; and
- (b) as regards the opinion of the dockmaster so mentioned, the reference were only to a vessel sunk, stranded or abandoned in the docks which is, or is likely to become, an obstruction, impediment or danger to the safe and convenient navigation or use of the docks.]
- (2) Where the Port Authority have exercised any of their powers under subsection (1) of this section, they may, and if required by the person who is or was the owner of the vessel at the time of the sinking, stranding or abandonment thereof shall, cause the vessel or its cargo or anything else associated with the vessel which may be removed or saved from the vessel to be sold in such manner as they think fit and shall out of the proceeds of such sale discharge any sums payable in respect of the property sold by way of duties of customs or excise, or purchase tax, and may retain the expenses incurred by them in the exercise of their powers under this section and also any expenses incurred by them in marking, buoys, watching, lighting or otherwise controlling the vessel or its cargo, in removing or saving the cargo or anything else associated with the vessel, or giving warning to shipping of the presence of the vessel and shall on demand pay the surplus, if any, to the person entitled thereto.
- (3) If the proceeds of sale are insufficient, after discharging the said duties or purchase tax, to reimburse the Port Authority for the said expenses the Port Authority may recover the deficiency, or if there is no sale, the whole of the expenses from the person who is or was the owner of the vessel at the time of the

sinking, stranding or abandonment thereof as a debt in any court of competent jurisdiction.

(4) Except where there is, in the opinion of the harbourmaster or dockmaster, as the case may be, an emergency, subsection (1) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said subsection, the Port Authority have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires the Port Authority receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, he shall be at liberty to do so, and the Port Authority shall not exercise the powers of the said subsection in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation or the business at the dock which may be given to him by the harbourmaster or dockmaster, as the case may be.

(5) If the owner of a vessel to whom notice is to be given under subsection (4) of this section is not known to the Port Authority, or if his place of business or abode is not known to the Port Authority or is outside the United Kingdom, the notice may be given by displaying it at the head office of the Port Authority for the period of its duration.

(6)(a) Expenses incurred by the Port Authority in the exercise of their powers under this section in relation to a [vessel which has at any time been registered or licensed by them], may, if they cannot be recovered under subsections (2) and (3) of this section, be recovered from a person whose name appears as owner of the vessel in the last licence or certificate of registration issued by the Port Authority in respect of the vessel:

Provided that this subsection shall not apply-

(i) to a person who disposed of the vessel on or before 12th July, 1950; or

(ii) to a person who disposed of the vessel after 12th July, 1950-

(a) if he gives the Port Authority not less than ten clear days' notice of his intention to dispose of the vessel and supplies the name and address of the intended donee; and

(b) if he has obtained the Port Authority's consent to the disposition by him of the vessel to the person named in the notice.

(b) The Port Authority shall not unreasonably withhold consent under this subsection to a disposition and shall be deemed to have consented at the time when the notice given under this subsection expires unless they have previously informed the person giving the notice that they do not consent.

(7) In this section " expenses " shall include an element for depreciation calculated on the straight line method and based on the replacement cost of the vessels, plant and equipment used by the Port Authority for the purposes of raising, removing or destroying the vessel, and a sum representing interest on the capital invested in the said vessels, plant and equipment, and for this purpose the capital invested at the time of the operation shall be deemed to be half the replacement cost.

Notes

The clarification of subsection (1) was made by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.

The words in square brackets in subsection 6(a) were inserted by the Port of London Authority Harbour Revision Order 2003 article 7 which came into force on 8 October 2003.

General Note. *Within the delineated lands as defined by the Thames Barrier Act the provisions of this section of Port of London Act 1968 is subject to section 48(3) of the Thames Barrier Act.*

In the Medway approach area as defined by the Medway Ports Act 1983 as varied by The Medway Ports Authority Harbour Revision Order 1989, the provisions of ss 60, 66, 69, 73 and 120 of PLAct 1968 are subject to section 85(3) of the Medway Ports Act 1973.

United Kingdom. *See the note to s 29 ante.*

Definitions. For "boat for hire", "dockmaster", "docks", "duties of customs and excise", "harbourmaster", "lighter", "owner of the vessel", "the Thames", "tug" and "vessel", see s 2(1) ante. note as to "expenses", sub-s (7) above.

121. Removal of obstructions other than vessels

(1) The Port Authority may remove-

(a) anything, other than a vessel, causing or likely to become an obstruction or impediment in any part of the Thames or in a dock;

[In its application to the Company section 121 shall have effect as if in subsection (1)(a) thereof the reference to an obstruction or impediment in any part of the Thames or in a dock were a reference to an obstruction or impediment in the Company's docks.]

(b) anything, other than a vehicle, causing or likely to become an obstruction or impediment to the proper use of a towpath on the Thames.

(2) (a) If anything removed by the Port Authority under subsection (1) of this section is so marked as to be readily identifiable as the property of any person, the Port Authority shall within one month of its coming into their custody give notice, as required by subsection (5) of this section, to that person and if possession of the thing is not retaken within the period specified in, and in accordance with the terms of, the notice it shall at the end of that period vest in the Port Authority.

(b) If anything removed by the Port Authority under subsection (1) of this section which is not so marked is not within three months of its coming into the custody of the Port Authority proved to the reasonable satisfaction of the Port Authority to belong to any person, it shall thereupon vest in the Port Authority.

(3) The Port Authority may at such time and in such manner as they think fit dispose of anything referred to in paragraph (b) of subsection (2) of this section which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience notwithstanding that it has not vested in the Port Authority under this section, and if it is sold the proceeds of sale shall be applied by the Port Authority in payment of the expenses incurred by them under this section in relation to the thing, and any balance-

(a) shall be paid to any person who within three months from the time when the thing came into the custody of the Port Authority proves to the reasonable satisfaction of the Port Authority that he was the owner thereof at that time; or

(b) if within the said period no person proves his ownership at the said time, shall vest in the Port Authority.

(4) If anything removed under this section-

(a) is sold by the Port Authority and the proceeds of sale are insufficient to reimburse the Port Authority for the amount of the expenses incurred by them in the exercise of their powers of removal; or

(b) is unsaleable;

the Port Authority may recover as a debt in any court of competent jurisdiction the deficiency or the whole of the expenses, as the case may be, from the person who was the owner at the time when the thing removed came into the custody of the Port Authority or who was the owner at the time of its abandonment or loss.

(5) A notice given under paragraph (a) of subsection (2) of this section shall specify the thing removed and state that upon proof of ownership to the reasonable satisfaction of the Port Authority possession may be retaken at a place named in the notice within the time specified in the notice, being not less than fourteen days after the date when the notice is served.

(6) The Port Authority shall not under the powers of this section remove anything placed or constructed by a local authority or statutory undertakers under the provisions of a statute or of a consent or licence given

or issued by the Port Authority thereunder.

(7) In subsection (6) of this section-

["local authority" means the council of a county, district or London borough, the Common Council of the City of London the Thames Water Authority and an authority established under Section 10 (joint arrangements for waste disposal functions) of the Local Government Act 1985;]

"statutory undertaker" means a person authorised by statute to carry on any undertaking for the supply of electricity, gas or water.

Notes

The words in square brackets in sub-s (7) were substituted by the Local Government Reorganisation (Miscellaneous Provision) Order 1986, SI 1986/1, art 3(2)(c).

The clarification of subsection (1)(a) of section 121 was made by the port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.

General Note. *Within the delineated lands as defined by the Thames Barrier Act the provisions of this section of Port of London Act 1968 is subject to section 48(3) of the Thames Barrier Act.*

Give notice. *As to service of notices under this Act, see s 184 post.*

Thames Water Authority. *See the note to s 82 ante.*

Definitions. *For "dock", "owner", "the Thames" and "vessel, see s 2(1) ante. Note as to "local authority" and "statutory undertaker", sub-s (7) above.*

122. Removal of projections

(1) In this section-

"projection" means anything which projects over the Thames [...] and includes stairs and any tree, bush or other plant but does not include any such thing authorised by or under statute or by a works licence to be placed or constructed.

(2)(a) If any projection is a danger to the navigation of the Thames [...], the Port Authority may remove it and recover the expenses of removal from the owner or occupier of the land on which the projection was situated as a debt in any court of competent jurisdiction.

(b) Before exercising their powers under this subsection the Port Authority shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the land on which the projection is situated.

(c) In proceedings to recover expenses under paragraph (a) of this subsection the court may inquire whether the Port Authority might reasonably have proceeded instead under subsection (3) of this section, and, if the court determines that the Port Authority might reasonably have proceeded instead under the said sub-section (3), the Port Authority shall not recover the expenses.

(3)(a) If any projection is an obstruction or inconvenience to the navigation of the Thames [...] but not a danger thereto, the Port Authority may by notice in writing require the owner or occupier of the land on which the projection is situated to remove the projection within such time, not being less than seven days, as may be specified in the notice.

(b) If a person to whom notice is given under paragraph (a) of this subsection fails to comply with the notice within the time stated in the notice, or, if he appeals and the appeal is not allowed, within the time stated in the notice or such other time as the court may substitute therefor, the Port Authority may themselves remove the projection and recover the expenses of removal from the person on whom the notice was served as a debt in any court of competent jurisdiction.

(4) A notice under paragraph (a) of subsection (3) of this section shall have annexed to it a copy of this section.

(5) A person aggrieved by a notice served by the Port Authority under subsection (3) of this section may appeal to a magistrates' court.

(6) This section is subject to section 84 (Replacement of marked landing places) of this Act.

Notes

The words omitted (which were previously inserted by the Port of London Act 1970, s 5, Schedule) were repealed by the Port of London Act 1982, s 7, Sch 2.

General Note. *Within the delineated lands as defined by the Thames Barrier Act the provisions of this section of Port of London Act 1968 is subject to section 48(3) of the Thames Barrier Act.*

Definitions. *For "the Thames" and "works licence", see s 2(1) ante.*

123. Repair of landing places and embankments

(1) Without prejudice to section 122 (Removal of projections) of this Act, the Port Authority may by notice require the owner or occupier of a landing place or embankment which in the opinion of the Port Authority is, or is likely to become, by reason of its insecure condition or want of repair-

- (a) dangerous to persons or vessels using the Thames [...];
- (b) injurious to the condition of the Thames [...] as a navigable waterway; or
- (c) a hindrance to the navigation of the Thames [...];

to remedy its condition to the satisfaction of the Port Authority's chief engineer within a reasonable time specified in the notice.

(2) If a person to whom notice is given under this section fails to comply with the notice within the time stated in the notice, or, if he appeals and the appeal is not allowed, within the time stated in the notice or such other time as the court may substitute therefor-

- (a) he shall be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale] and to a daily fine not exceeding [£50]; and
- (b) the Port Authority may carry out the work they consider necessary to remedy the conditions of the landing place or embankment in question and may recover the expenses of so doing from the person on whom the notice was served as a debt in any court of competent jurisdiction.

(3) A notice under subsection (1) of this section shall have annexed to it a copy of this section.

(4) A person aggrieved by a notice served by the Port Authority under subsection (1) of this section may appeal to a magistrates' court.

Notes

The words omitted from sub-s (1) (which were previously inserted by the Port of London Act 1970, s 5, Schedule) were repealed by the Port of London Act 1982, s 7, Sch 2.

The reference to level 4 on the standard scale in sub-s (2) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £500 by the Port of London Act 1982, s 3(1), Sch 1, Pt 1). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 4 is now £2,500

The reference to £50 in square brackets in sub-s (2) was substituted by the Port of London Act 1982, s 3(1), Sch 1, Pt I.

By notice. *As to service of notices under this Act, see s 184 post.*

Standard scale. See the note to s 38 ante.

Powers of entry. See s 90 ante.

Definitions. For "daily fine", "landing place", "the Thames" and "vessel", see s 2(1) ante.

(c) *Registration of lighters, tugs and boats*

[124. **Unlicensed vessels not to be navigated**

(1) Subject to subsection (2) of this section, a vessel shall not be navigated, worked or moored within the vessel licensing area unless:-

- (a) there is in force in relation to it a relevant licence issued by the Port Authority in accordance with byelaws made by the Port Authority; and
- (b) the name of the vessel and such other particulars as may be prescribed in byelaws made by the Port Authority are displayed on the vessel in the manner prescribed by those byelaws.

(2) Subsection (1) of this section shall not apply to-

- (a) a vessel which is navigated, worked or moored only occasionally in the vessel licensing area;
- (b) a pleasure vessel;
- (c) a hovercraft or seaplane;
- (d) any vessel (other than a ship registered under the Merchant Shipping Act 1995 or any vessel usually used for navigation) which is used primarily as a place of habitation, or as a place for accommodating or receiving persons for the purposes of shelter, recreation, entertainment or refreshment, or as club premises or offices, while it is moored;
- (e) any vessel which-
 - (i) has a navigability licence issued by a member of the [European Union] other than the United Kingdom, in accordance with Council Directive 76/135/EEC, and
 - (ii) is navigating in an area which is an inland waterway or maritime shipping lane for the purpose of the Directive;
- (f) a vessel licensed by a local authority or any other navigation authority;
- (g) a vessel to which Part I of the Merchant Shipping (Port State Control) Regulations 1995 applies;
- (h) a vessel to which survey requirements apply under the Merchant Shipping (Survey and Certification) Regulations 1995 or under any other rules or regulations made, or having effect as if made, under the Merchant Shipping Act 1995;
- (i) a vessel operated by a member of the United Kingdom Search and Rescue Organisation and declared to the Maritime and Coastguard Agency as a dedicated resource; and
- (j) such other vessels as may be from time to time exempted by byelaws made by the Port Authority.

(3) For the purpose of this section the Port Authority may issue a licence –

- (a) in relation to all or any part of the vessel licensing area; and
- (b) on such terms and conditions and subject to such restrictions as they think appropriate in the interests of safety.

(4) The owner of a vessel which is navigated, worked or moored in contravention of subsection (1) of this

section, or in contravention of any term, condition or restriction imposed by a licence issued under subsection (3) of this section shall be guilty of an offence and liable:-

(a) on summary conviction, to a fine not exceeding the statutory maximum; and

(b) on conviction on indictment to a fine.

(5) In this section –

"navigation authority" means any person who has a duty or power under any enactment to work, maintain, improve or control or license vessels within, any canal or other inland navigation, navigable river, estuary, harbour or dock.;

"relevant licence" means a licence applicable to the area in which the vessel in question is being navigated, worked or moored,

and for the purpose of subsection 2(a) of this section a vessel is navigated, worked or moored only occasionally in the vessel licensing area if –

(a) it is navigated, worked or moored within that area not more than three times in any period of 12 months; and

(b) on each such occasion it is navigated, worked or moored within the vessel licensing area for no more than 48 hours.]

Notes

This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.

Sub-s (2) para (e)(i) words in square brackets substituted by Treaty of Lisbon (Changes in Terminology) Order 2011 in force 22 April 2011.

Definitions. For "owner", "pleasure vessel", "the statutory maximum", "vessel", and " vessel licensing area ", see s 2(1) ante.

Current Byelaws: *Craft and Boat Registration and Regulation Byelaws 2000 which have been amended by the Port of London Authority Harbour Revision Order 2003. No byelaws have been made exempting vessels under subsection (2)(j).*

[125. Power to refuse or revoke or suspend a licence

(1) Subject to section 126 (Appeals) of this Act, the Port Authority may refuse to licence or may revoke or suspend the licence of a vessel, in relation to the whole or to any part of the vessel licensing area, if they are satisfied that:-

(a) the vessel is not fit for its intended purpose;

(b) the vessel cannot be safely navigated, worked or moored in the vessel licensing area, or any part of it; or

(c) in the case of a boat for hire it is in the interests of safe navigation to prohibit boats for hire in a part of the vessel licensing area or to restrict the number of boats for hire in the vessel licensing area or in part of the vessel licensing area.

(2) In considering for the purposes of this section the fitness of a vessel the Port Authority may have regard, amongst other things, to its life-saving equipment, fire extinguishing appliances, navigational equipment arrangements, machinery for mechanical propulsion and other auxiliary machinery.

(3) The Port Authority may, for the purpose of their licensing functions and subject to the provisions of section 126 (Appeals) of this Act, require the owner of the vessel to give them such information or

reports as they may reasonably require as to its fitness.

(3) Nothing in this section shall be taken as imposing an obligation on the Port Authority to undertake a structural survey of a vessel for the purpose of discharging their licensing functions.]

Notes

This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.

Definitions. For "boat for hire", "owner", "vessel", and "vessel licensing area", see s 2(1) ante.

[126. Appeals

(1) If the Port Authority under section 125 (Power to refuse or revoke or suspend a licence) of this Act-

(a) refuse to licence a vessel; or

(b) revoke or suspend the licence of a vessel; or

(c) require the owner of the vessel to give them information or reports as to its fitness;

they shall give written notice to the owner of the vessel of their decision or requirement and the notice shall inform the owner of his right under subsection (3) of this section to appeal against the decision or requirement.

(2) On issuing a licence under subsection (3) of section 124 (Unlicensed vessels not to be navigated) of this Act the Port Authority shall give written notice to the owner of the vessel in question of his right under subsection (3) of this section to appeal against any conditions, restrictions or limitations attaching to the licence.

(3) The owner of a vessel who is aggrieved by any such decision, requirement, condition, restriction or limitation as is referred to in subsection (1) or (2) of this section may, within a time specified in the notice referred to in those subsections, being a date not earlier than twenty-eight days after the service of the notice on the owner, appeal to the Secretary of State, and Schedule 4 to this Act shall apply in relation to such an appeal.]

Notes

This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.

Definition. For "vessel" see s 2(1) ante.

[127. Inaccurate or lost licences

If the Port Authority are satisfied that a licence for a vessel issued by them under section 124 (Unlicensed vessels not to be navigated) of this Act and in force is-

(a) inaccurate, they shall issue to the owner of the vessel a corrected licence and shall amend their records accordingly;

(b) lost or destroyed, they shall issue to the owner of the vessel a duplicate of the licence.]

Notes

This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.

Definitions. For "'owner" and vessel", see s 2(1) ante.

[128. Registers to record mortgages, etc., and to be open to inspection

- (1) The Port Authority shall on the written application by the mortgagee or assignee of a vessel licensed by the Port Authority under section 124 (Unlicensed vessels not to be navigated) of this Act register particulars of a subsisting mortgage of the vessel or of a subsisting assignment of the vessel by way of security or in trust for the benefit of creditors.
 - (2) The records relating to vessels kept by the Port Authority under this Part of this Act shall be open to inspection by any person at a reasonable time and upon payment of a reasonable fee.]
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Notes

This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.

Definition. For "vessel", see s 2(1) ante.

[129. Charges in relation to vessels

The Port Authority may make reasonable charges in respect of the exercise of their functions under sections 124 to 128 of this Act.]

Notes

This section was substituted by the Port of London Authority Harbour Revision Order 2003 article 4 which came into force on 8 October 2003.

130 - 132. Repealed by the Port of London Authority Harbour Revision Order 2003 article 4(1).

(d) Miscellaneous

133. Lights detrimental to navigation

- (1) The Port Authority may by written notice require a person placing or using on or near the Thames a light which is [likely] to mislead persons navigating on the Thames or to interfere with the safe navigation of vessels, to screen, alter, extinguish or remove the light within a reasonable time specified in the notice.
- (2) A person who-
 - (a) fails to comply with a notice given under this section; or
 - (b) after complying replaces or again uses the light or places or uses in lieu thereof another light in respect of which the Port Authority would be entitled to give a notice under this section;

shall be guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale] and to a daily fine not exceeding [£20].

Notes

The words in square brackets in sub-s (1) and the reference to £20 in square brackets in sub-s (2) were substituted by the Port of London Act 1982, ss 3(1), 5, Sch 1, Pt I.

The reference to level 3 on the standard scale in sub-s (2) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £200 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000

Standard scale. See the note to s 38 ante.

Definitions. For "daily fine", "the Thames", and "vessel", see s 2(1) ante.

134. Damage by a vessel

- (1) (a) The owner of a vessel shall be liable to pay to the Port Authority the cost of making good any damage done by any means whatsoever by the vessel or by any person employed on or about the vessel to-
- (i) any part of the port premises in the Thames; or
 - (ii) equipment in the Thames belonging to the Port Authority.
- (b) The Port Authority may recover from the owner of the vessel as a debt in any court of competent jurisdiction the cost of making good any such damage.
- (2) Where any damage has been done to a dock entrance or any part of the port premises not in the Thames by a vessel through the wilful act or negligence of the master or a person on or about the vessel, the Port Authority may, without prejudice to any other remedy available to them, detain the vessel until the cost of making good the damage has been paid, or security therefor given, to the Port Authority.
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Notes

Definitions. For "dock", "master", "owner of a vessel", "port premises", "the Thames" and "vessel", see s 2(1) ante.

135. Interfering with moorings

A person who unlawfully casts off, ... the mooring or fastening of a vessel in the Thames or in a dock shall be guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].

Notes

The words omitted were repealed by the Port of London Act 1982, s 7, Sch 2.

The reference to level 3 on the standard scale is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £200 by the Port of London Act 1982, s 3(1), Sch 1, Pt 1). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 3 is now £1,000

Standard scale. See the note to s 38 ante.

Definitions. For "dock", "mooring", "the Thames" and "vessel" see s 2(1) ante.

136. Giving false draught

- (1) The master of a vessel entering or leaving or intending to enter or leave a dock shall if required to do so by the dock-master state the draught of his vessel.
- (2) The master of a vessel who in response to a requirement under subsection (1) of this section gives incorrect information shall, without prejudice to any right of the Port Authority to compensation for loss or damage occasioned thereby, be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale].
- (3) For the purposes of this section "draught" in relation to a hovercraft or hydrofoil vessel means its draught when afloat and not supported on a cushion of air, on foils or by any other means and in relation to a seaplane means its draught when afloat.
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Notes

The reference to level 4 on the standard scale in sub-s (2) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £500 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 4 is now £2,500

Standard scale. See the note to s 38 ante.

Definitions. For "dock", "dockmaster", "hovercraft", "hydrofoil", "master", "seaplane" and "vessel", see s 2(1) ante. Note as to "draught", sub-s (3) above.

137. Boarding vessels

A duly authorised officer of the Port Authority may, on producing if so required his authority, enter and inspect a vessel in the Thames or the docks-

- (a) for the purposes of any enactment relating to the Port Authority or of any byelaw of the Port Authority including the enforcement thereof;
- (b) to prevent or extinguish fire.

[In so far as section 137 relates to the purposes of any enactment relating to the Port Authority or of any byelaw of the Port Authority (as distinct from the purposes of any enactment relating to the Company or of any byelaw of the Company) or to the prevention or extinguishing the fire, the reference in that section to the docks shall be treated as including a reference to the Company's docks.]

Notes

The clarification of section 137 was made by the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 SI 1992/284.

On producing, if so require, his authority. See the note to s 38 ante. As to the authentication of documents given or issued by the Port of London Authority, see s 183 post.

Definitions. For "byelaw of the Port Authority", "docks", "enactment", "the Thames" and "vessel", see s 2(1) ante.

138. Identity of master

- (1) The owner of a vessel shall, on written application to him by the Port Authority, give to the Port Authority in writing all information in his power as to the person who at any particular time was the master of the vessel and any owner refusing to give such information or by his own negligence or default being unable to give the name and address of such person shall be guilty of an offence and liable to a fine not exceeding [level 2 on the standard scale].
- (2) In any proceedings relating to the vessel or its master the written information given pursuant to subsection (1) of this section shall be admissible as evidence for the purpose of determining the identity of the master of the vessel at a particular time.

Notes

The reference to level 2 on the standard scale in sub-s (1) is substituted by virtue of the Criminal Justice Act 1982, s 46. (The maximum fine was previously increased to £50 by the Port of London Act 1982, s 3(1), Sch 1, Pt I). Under s.37(2) of the Criminal Justice Act 1982, as amended by The Criminal Justice Act 1991, level 2 is now £500

Standard scale. See the note to s 38 ante.

Definitions. For "master", "owner" and "vessel", see s 2(1) ante.

PART VIII

WATERMEN AND LIGHTERMEN